

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

LEX VEST LTD,

Plaintiff,

v.

EMANATIONS COMMUNICATIONS
GROUP, et al.,

Defendants.

Case No. 2:22-cv-01226-ART-BNW

ORDER

Presently before the court is Plaintiff's Motion for Leave to File Amended Complaint. ECF No. 101. Defendant Emanations responded at ECF No. 104, and Plaintiff replied at ECF No. 105. For the reasons discussed below, the Court grants Plaintiff's motion.

The parties are familiar with the arguments. As a result, the Court does not repeat them here.

Analysis

"The court considers five factors [under Rule 15] in assessing the propriety of leave to amend—bad faith, undue delay, prejudice to the opposing party, futility of amendment, and whether the plaintiff has previously amended the complaint." *United States v. Corinthian Colls.*, 655 F.3d 984, 995 (9th Cir. 2011). "The standard for granting leave to amend is generous." *Id.* And "the nonmovant bears the burden of showing why amendment should not be granted." *Senza-Gel Corp. v. Seiffhart*, 803 F.2d 661, 666 (Fed. Cir. 1986). Here, Defendant did not meet its burden to show that amendment should not be granted. Defendant's argument in opposition to Plaintiffs' motion to amend is simply that the proposed amended complaint differs from previous ones discussed and fails to address any of the relevant factors under binding precedent. Given the perfunctory nature of Defendant's argument and the generous standard for granting leave to amend, Defendant failed to carry its burden to show that amendment should be denied.

1 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to File
2 Amended Complaint, ECF No. 101, is **GRANTED**.

3 DATED: May 26, 2023

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6 BREND A WEKSLER
7 UNITED STATES MAGISTRATE JUDGE
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